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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5120/2025 & CM APPL. 30605/2025**

SH. SUKHVINDER SINGH

.....Petitioner

Through: Ms. Pinki, Adv.

versus

THE COMMISSIONER MCD OF DELHI & ORS.Respondents

Through: Mr. Rakesh Malhotra and Mr. Bharat Malhotra, Advs. for R-1
Mr. Gaganmeet Singh Sachdeva and
Mr. Harshpreet Singh Chadha, Advs.
for DDA
Mr. Atul Kharbanda, Mr. Kapil S.,
Mr. Neeraj, Mr. Vijay Kumar and Ms.
Anshika Grewal, Advs. for R-5.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **19.05.2025**

CM APPL. 30605/2025

1. The present application has been filed on behalf of the petitioner to submit that despite the directions passed by this Court in the order dated 23rd April, 2025, no action has been taken by the respondent-Municipal Corporation of Delhi ("MCD"), against the unauthorized construction existing in the subject property, i.e., WZ-88A, Ram Nagar, Tilak Nagar, New Delhi-110018.
2. *Per contra*, learned counsel appearing for the respondent-MCD submits that a Status Report on behalf of MCD has been filed on 17th May,



2025.

3. He submits that in the Status Report, it has clearly been stated that a Show Cause Notice was issued on 11th April, 2025. He submits that after following due procedure, the property in question has now been sealed on 15th May, 2025.

4. Learned counsel appearing for the MCD has handed over a copy of the Status Report, which is taken on record. The relevant portions of the Status Report, are extracted as below:

“xxx xxx xxx

4. That it is submitted action u/s 343 & 344 of the DMC Act was initiated against the aforesaid property for unauthorized construction vide File No. EE(B)-I/WZ/UC/2025/50 dated 11.04.2025. Further, a show cause notice u/s 344(1) & 343 of the DMC Act was issued to the owner/builder on 11.04.2025 with the direction to submit reply within 15 days. Simultaneously, the owner/builder was also given an opportunity of personal hearing in the matter for 21.04.2025 at 3.00 PM. Copy of show cause notice dated 11.04.2025 is annexed herewith as **Annexure 'A'**.

5. That, further a letter u/s 344(2) of the DMC Act was also issued to the PS-Tilak Nagar, New Delhi vide No. D-26/EE(B)-I/WZ/2025/AE(B) dated 15.04.2025 with the request to stop the unauthorized construction activity at site immediately. Copy of the work stop letter dated 04.2025 is annexed herewith as **Annexure 'B'**.

6. That, in compliance of the aforesaid show cause notice, the owner/builder did not turn up to attend the hearing as per schedule without any intimation. However, a reply was received in the department from the owner/builder on 21.04.2025 inter-alia stated that the construction has been carried out without sanction of plan and further shown his willingness to pay the compounding fee for the unauthorized construction. But even after lapse of 15 days time, the owner/builder did not apply in the department for regularization of the property, therefore, as it was self-admitted by the owner/builder that the construction carried out at the aforesaid property without getting the building plan sanctioned from the department, therefore, demolition order against the aforesaid property has been passed on 09.05.2025. Copy of the demolition order dated 09.05.2025 is annexed herewith as **Annexure-'C'**.



7. That, apart from demolition action under section 343 and 344 of the DMC Act, action under section 345-A of the DMC Act was also initiated against the aforesaid property and a show cause notice was issued to the owner/builder vide No. EE(B)-I/WZ/SR/2025/24 dated 25.04.2025. The sealing order against the said property was passed by the competent authority on 14.05.2025. Now, in execution of said sealing order, the property has been sealed on 15.05.2025. Copy of the sealing show cause notice dated 25.04.2025 is annexed herewith as Annexure-D' and copy of the sealing order dated 14.05.2025 is annexed herewith as Annexure-'E'.

8. That, letter has also been issued to the office of BSES, DJB and Sub-register for disconnection of electricity, water and not to register the property for further sale and purchase vide D-131/EE(Bldg.)-I/WZ/2025/AE(B) dated 15.05.2025. Copy of the letter dated 15.05.2025 for disconnection of electricity, water and not to register the property for further sale and purchase is annexed herewith as **Annexure 'F'**.

9. That, it is further submitted that the owner/builder did not demolish the unauthorized construction or got regularize the property in terms of prevailing regularization policy, rather, he has carried out further unauthorized construction therein. Therefore, prosecution action u/s 332/461 read with section 466-A of the DMC Act has also been initiated against the defaulter. Copy of compliant u/s 332/461 read with section 466 A of the DMC Act made to SHO PS Tilak Nagar, Delhi is annexed herewith as **Annexure-'G'**.

xxx xxx xxx”

(Emphasis Supplied)

5. At this stage, learned counsel appearing for the owner/occupier, i.e., respondent no.5 submits that the respondent no. 5, is in the process of filing an application for regularization before the MCD.

6. The aforesaid statement is taken note of.

7. Considering the aforesaid, it is noted that the requisite action has already been initiated by the respondent-MCD against the unauthorized construction existing in the property. The MCD is held bound to take the requisite action against unauthorized construction, in accordance with law,



subject to the outcome of any regularization application filed on behalf of the owner/occupier of the property in question.

8. Thus, no further orders are required to be passed by this Court in the present petition.

9. Accordingly, noting the aforesaid, the present writ petition, along with the pending applications, stands disposed of.

10. The next date of hearing, i.e., 23rd July, 2025, stands cancelled.

MINI PUSHKARNA, J

MAY 19, 2025/kr